

Remarks

35 USC 112

Applicants request amendment of Claim 4 to limit the claim to compounds or a salt thereof. Support for limitation to the salt may be found in the examples, as well as at page 25 wherein “Pharmaceutically acceptable salts” are further described and separately. Applicants respectfully request entry of the amendment and favorable reconsideration of the rejection under 35 USC 112.

Applicants request amendment of the method of use to claims to exclude “prevention” from the claims. Applicants maintain that support for the amendments may be found on page 27 wherein the definition of “treating” alternatively refers to mitigating the symptoms of the disease or condition. Further support for the amendment may be found in the definition of “preventing” in combination with statements at pages 28 and original claim 51, wherein “preventing” was set forth as an alternative to “treating”. For clarification, the term “preventing” is defined in the specification at page 27. Additionally, at page 28, the compounds are stated to be useful for “treating and/or preventing obesity” to support the premise that “prevention” may be excluded from the meaning of the term “treating”. Further, original claim 51 states that “treating or preventing” cardiovascular disease, making it additionally clear that the term “treating” may exclude the prevention of the condition. Thus, Applicants maintain that the amendment may properly be entered without the addition of new matter.

Applicants request cancellation of Claim 48, as suggested by the Examiner.

Applicants respectfully submit that the amendments address all of the rejections under 35 USC 112. Applicants submit that no new matter is introduced through entry of these amendments, and that the amendments address the rejections cited pursuant to 35 USC 112. Applicants request favorable reconsideration in light of the amendments and remarks set forth herein above.

Objections

Applicants have amended Claim 4 and canceled Claim 37 to address formal errors pointed out by the Examiner. Additionally, the dependency of the claims has been corrected to reflect the dependence from the base claim 4. Applicants believe that the case is now in condition for allowance.

Remarks and Conclusion

Applicants request entry of the amendments and consideration of the remarks set forth herein. Applicants respectfully submit that the amended claims address the concerns raised by the Examiner, and the rejections under 35 USC 112 may properly be withdrawn. Applicants have corrected the administrative errors pointed out by the Examiner to address the objections to the claims. Applicants maintain that these amendments are proper, and render the objections now moot.

Applicants gratefully acknowledge the Examiner's notation that the compounds of

formula I are free of prior art and that claim 38 may be rejoined, commensurate in scope with an allowable claim 4. Applicants request such rejoinder of Claim 38, when Claim 4 is found allowable. Applicants believe that the case is in condition for allowance, and courteously request reconsideration. Applicants request that the Examiner contact the undersigned attorney for any matters relating to this application, and would appreciate a telephone interview or discussion to facilitate prompt passage to allowance.

Respectfully submitted,

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July 15, 2008